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*Attorneys for Defendant*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 JIMMY ELLISON, an Individual

11 Plaintiff,

12 vs.

13 STATE OF NEVADA, *ex rel.* OFFICE OF  
14 THE MILITARY; DOES I through X; and ROE  
15 CORPORATIONS I-X,

16 Defendants.

Case No.: 3:23-cv-00598-LRH-CLB

17 **ORDER GRANTING STIPULATION  
18 AND REQUEST TO EXTEND TIME TO  
19 RESPOND TO FIRST AMENDED  
20 COMPLAINT**

21 **[FIRST REQUEST]**

22 Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiff JIMMY ELLISON (“Plaintiff”  
23 or “Mr. Ellison”), by and through his counsel of record, Dana Sniegocki, Esq. of HKM  
24 Employment Attorneys LLP, and Defendant STATE OF NEVADA, EX REL. ITS OFFICE OF  
25 THE MILITARY (“Defendant” or “OOM”), by and through its attorneys, AARON D. FORD,  
Attorney General for the State of Nevada, SCOTT H. HUSBANDS, Senior Deputy Attorney  
General, hereby submit this Stipulation, Request, and Order To Extend Time To Respond To  
First Amended Complaint. This is the first request for an extension of time by the parties.

26 Plaintiff filed his Complaint (ECF No. 1) on November 27, 2023 (the “Complaint”).  
27 Plaintiff filed his First Amended Complaint on January 3, 2024 (ECF No. 5). Plaintiff effected  
28 service of his First Amended Complaint on Defendant on January 22, 2024. Pursuant to Federal

1 Rule of Civil Procedure 12(a), the deadline for the Agency Defendants to answer or otherwise  
2 respond to the First Amended Complaint was Monday, February 12, 2024.

3 On February 12, 2024, Defendant's counsel concluded that he would not be able to  
4 complete and file Defendant's responsive pleading that day. Prior to February 12, 2024,  
5 Defendant's counsel had been involved in several complex litigation matters that fully consumed  
6 much of the 21-day period set forth in FRCP 12(a). In addition, several unexpected issues arose  
7 that further took away from Defendant's counsel's ability to prepare and file Defendant's first  
8 responsive pleading by February 12, 2024. On the morning of February 12, 2024, Defendant's  
9 counsel reached out to Plaintiff's counsel and counsel met and conferred on an extension of time  
10 for Defendant to respond to the First Amended Complaint. Counsel agreed that Defendant's  
11 time to respond would be extended for three weeks to Monday, March 4, 2024. As part of this  
12 agreement, Defendant agreed to waive any issues regarding effectiveness of service of process.

13 Pursuant to LR IA 6-1, the parties' inability to request this extension of time on February  
14 12, 2024 was the result of excusable neglect. Specifically, Defendant's counsel, who agreed to  
15 draft the stipulation, was handling an unexpected personnel issue with another client. That issue  
16 took most of Monday, February 12 and Tuesday, February 13 to address and Defendant's  
17 counsel was first able to draft this stipulation on Wednesday, February 14.

18 Upon agreement by and between the parties, through their respective counsel, the parties  
19 request that this Court grant the parties' request for an extension of time for Defendant to file its  
20 responsive pleading to the First Amended Complaint. Per the terms of the parties' agreement,  
21 Defendant will have up to and including, Monday, March 4, 2024 to file its responsive pleading  
22 to the First Amended Complaint.

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1 By entering into this stipulation, neither of the parties waive any rights they have under statute,  
2 law, or rule with respect to the First Amended Complaint, except as provided herein.

3 APPROVED AS TO FORM AND CONTENT this 14<sup>th</sup> day of February, 2024.

4 DATED this 14<sup>th</sup> day of February, 2024.

DATED this 14<sup>th</sup> day of February, 2024.

5 HKM EMPLOYMENT ATTORNEYS LLP

6 AARON D. FORD  
Attorney General

7 By:/s/ Dana Sniegocki, Esq.

8 Dana Sniegocki, Esq.  
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10 Attorneys for Plaintiff

By:/s/ Scott H. Husbands, Esq.

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11 Attorneys for Defendant

12 **IT IS SO ORDERED:**

13 DATED this 15th day of February, 2024.

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UNITED STATES MAGISTRATE JUDGE